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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 VICTOR D. HOLMES,

10 Petitioner,

11 vs.

12 GREG SMITH, et al.,

13 Respondents.
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Case No. 3:09-cv-00337-LRH-(RAM)

ORDER

15 The Court ordered (#4) Petitioner to show cause why this action should not be dismissed as
16 untimely. Petitioner has not responded within the allotted time.

17 IT IS THEREFORE ORDERED that this action is **DISMISSED** with prejudice as untimely.
18 The Clerk of the Court shall enter judgment accordingly.

19 DATED this 9th day of September, 2009.



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22 **LARRY R. HICKS**
23 **UNITED STATES DISTRICT JUDGE**
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